REMARKS

Claims 1-12 have been examined. With this amendment, Applicant adds claims 13-20.

Claims 1-20 are all the claims pending in the application.

1.   Formalities

Applicant thanks the Examiner for acknowledging the claim for foreign priority and for

confirming receipt of the priority document.

Applicant thanks the Examiner for initialing the references listed on form PTO-1449

submitted with the Information Disclosure Statement filed on December 14, 2001.

2.   Claim Rejections

The Examiner has rejected claims 1-12 under 35 U.S.C. § 103(a) as being unpatentable

over Takeo (US 6,075,877) ["Takeo"] in view of Hiyama et al. (US 6,269,379) ["Hiyama"]. For

at least the following reasons, Applicant traverses the rejection.

Claim 1 recites an image data handling method "for handling a low-energy image data set

and a high-energy image data set used for generating an energy subtraction image data set ...

comprising ... adding combination information to the low-energy image data set and the high-

energy image data set for indicating that the low-energy image data set belongs to the same

combination as the high-energy image data set." The Examiner contends that Takeo discloses a

energy subtraction method with low-energy image data and high-energy image data. Applicant

respectfully disagrees.

Applicant submits that Takeo in view of Hiyama does not disclose at least the claimed

adding combination information to the low-energy image data set and the high-energy image

data set as set forth in claim 1. Applicant respectfully requests that the Examiner provide the citation in the prior art that discloses this feature or withdraw the rejection.

In his rejection, the Examiner merely speculates that there must be a link between the high and low energy images and the resultant image and that these links correspond to the claimed combination information. The Examiner provides no support in the prior art for his speculations.

Applicant submits that the Examiner's speculations that the links between files (the alleged claimed combination information) is inherent to the apparatus described in Takeo is not supported. To establish inherency, the reference must make clear that the missing descriptive matter is necessarily present. MPEP at 2100-45. Here, the Examiner speculates that some way of identifying the files must be present in order for the method disclosed by Takeo to work.

Applicant submits that the identification of files need not necessarily include links between the image files themselves as contended by the Examiner. Takeo merely discloses that two images of different energy levels are subtracted by the energy subtraction processing apparatus (see e.g., col. 12, lines 39-45). There is no disclosure or suggestion that information be added to the low-energy image data set and the high-energy image data set that provides information that one data set belongs to the other.

The identification of images for subtraction in Takeo could merely be done by the operator or another data set without any information in the image data sets, themselves, "for indicating that the low-energy image data set belongs to the same combination as the high-

9

energy image data set" as set forth in claim 1. Therefore, there is no support for the Examiner's

contention that the Takeo apparatus uses files that necessarily include links to one another.

Further, the Examiner's speculations that Takeo does include these links is inappropriate

because the Examiner is asserting technical facts about the operation of Takeo's energy

subtraction apparatus without any support in the prior art. See MPEP at 2100-136 ("[A]ssertions

of technical facts in the areas of esoteric technology ... must always be supported by some

referenced work.").

Because Takeo does not disclose or suggest the claimed combination information for at

least the reasons given above, Applicant submits that the Examiner's proffered reason for

modifying Takeo is not supported. Accordingly, absent improper hindsight reconstruction, one

skilled in the art would not have been motivated to combine the references as contended by the

Examiner.

Because claim 2 depends on claim 1, Applicant submits that claim 2 is patentable at least

by virtue of its dependency. In addition, the Examiner's contention that the apparatus in Takeo

would "require a link between the energy subtraction image and the two input images in order to

store the results, this link goes both ways" (Office Action at page 3) is simply inaccurate.

Takeo does not disclose or suggest that the resultant subtraction image even requires a

link to the images used to create the resultant images, let alone that the link "goes both ways."

Again, the Examiner makes assertions of technical facts without any support in the prior art.

In addition, as explained in claim 1 above, any identification of images need not

necessarily be in the image data sets. Therefore, Applicant submits that there is no disclosure or

suggestion in Takeo of adding addition information to the resultant subtraction image data set that would indicate "that the energy subtraction image data set belongs to the same combination as the low-energy image data set and the high-energy image data set" as set forth in claim 2.

Claim 3 recites an image data handling method comprising "adding image data set specification information to the energy subtraction image data set for specifying the low-energy image data set and the high-energy image data set used for generating the energy subtraction image data set." The Examiner cites a section of Takeo that describes the formation of a subtraction image and contends that links between files constitute combination information.

Because the rejection of claim 3 is similar to that given above with respect to claim 1, Applicant submits that the Examiner's proffered reasons for combining the references are not supported for reasons similar to those given above with respect to claim 1.

In addition, Applicant submits that Takeo does not disclose or suggest that specific information about the low-energy and high-energy image data sets be added to the energy subtraction image. Hiyama, at most, may disclose some identification parameters used to manage files of related images (See Abstract, Fig. 2). However, Hiyama does not disclose or suggest that a specific image data set use these identification parameters to include "specific information" of other image data sets used to generate the specific image data set. Accordingly, Takeo and Hiyama (taken alone or in combination) do not disclose or even remotely suggest "adding image data set specification information to the energy subtraction image data set for specifying the low-energy image data set and the high-energy image data set used for generating the energy subtraction image data set" as set forth in claim 3.

Because claim 4 recites features similar to those given above with respect to claim 1 and the Examiner's rejection is similar to that given with respect to claim 1, Applicants submit that claim 4 is patentable for at least reasons similar to those given above with respect to claim 1.

Because claims 5-11 depend on claim 4, Applicants submit that these claims are patentable at least by virtue of their dependency.

Because claim 12 recites features similar to those given above with respect to claim 3 and the Examiner's rejection is similar to that given with respect to claim 3, Applicant submits that claim 12 is patentable for at least reasons similar to those given above with respect to claim 3.

3. New Claims

With this amendment, Applicant adds claims 13-20. Applicant submits that these claims are patentable at least by virtue of their respective dependencies, as well as the features set forth therein.

4. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any
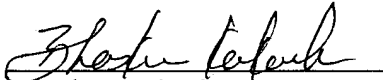
overpayments to said Deposit Account.

                                        Respectfully submitted,

SUGHRUE MION, PLLC   Bhaskar Kakarla
Telephone: (202) 293-7060   Registration No. 54,627
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: June 15, 2005